2009

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]
91	[illegible]	[illegible]
94	[illegible]	[illegible]

!2009

Abstract

Mixed Companies In Islamic Doctrine

Prepared By

Barakat Al Bliwi

Mu'tah University 2009

This study aims to give the concept of the Mixed Companies and the reason for their mixture, their kinds and their doctrinal judgment in light of Islamic law, concepts and rules.

I dealt with this study using the inductive method and the analytic and descriptive approach. I dealt with its various subjects on concepts, Laws and doctrinal judgment. I dealt with all these subjects in light of Islamic laws.

The most highlights of results are:

1. One of the reasons of mixed companies is the depositing in the usury banks, taking usury and taking warranties from the usury banks paying interests, and dealing with governmental bonds paying interests, also dealing with bank warranties in contracts and enterprises. In resting in banned "Islamic" or intermingled company. Dealing and financing in organized shares and bills, using preferred stocks in some companies work.
2. The most dominant opinions in subs creation and sharing in unfermented companies "mixed" in point of its work, which uses both land and illegal activities some religious opinions state that they are, banned "illegal" using strong evidences of their own.

The researcher recommends that we must adapt the modern financial businesses on religious laws, not vise versa. These means that we must found regulations which are legal religious laws.

Which enable us not to deal with illegal systems which are spread in our modern word, including those companies with a legal foundation but illegal dealing in market.

I also hope that the researchers in Islamic economy must have a broad knowledge of doctrinal aspects inductive and logical methods in this field. They must be aware of the ongoing changes of these treatments.

1.

﴿قل هل يستوي الذين يعلمون والذين لا يعلمون إنما يتذكر أولو الألباب﴾[1]

﴿إنما يخشى الله من عباده العلماء إن الله عزيز غفور﴾[2]

﴿وما خلقت الجن والأنس إلا ليعبدون﴾[3] ﴿وإذ قال ربك للملائكة إني جاعل في الأرض خليفة﴾[4]

(1) .9

(2) .28

(3) .56

(4) .30

4.1

(2007

426

[illegible] .[1]

[illegible]

[illegible] ﴿فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ﴾[2]. [illegible]

﴿وَشَارِكْهُمْ فِي الأَمْوَالِ وَالأَوْلادِ﴾[3]. [illegible]

﴿وَأَشْرِكْهُ فِي أَمْرِي﴾[4]. [illegible] ﴿أَمْ لَهُمْ شُرَكَاءُ فَلْيَأْتُوا بِشُرَكَائِهِمْ إِنْ كَانُوا صَادِقِينَ﴾[5].

[illegible].

[illegible]:

[illegible]:

[illegible]

[illegible]:

[illegible]:

[illegible].[6]

[illegible]

[illegible].[7]

---

(1) [illegible] 406 [illegible] 193.

(2) [illegible] 12.

(3) [illegible] 64.

(4) [illegible] 32.

(5) [illegible] 41.

(6) [illegible] (298) [illegible] 299.

(7) [illegible] (286) [illegible] 2.

1.2

.1 {فَهُمْ شُرَكَاءُ فِي الثُّلُثِ} [1]

[2]

[3]

.2 {فَابْعَثُوا أَحَدَكُمْ بِوَرِقِكُمْ هَذِهِ إِلَى الْمَدِينَةِ فَلْيَنْظُرْ أَيُّهَا أَزْكَى طَعَامًا فَلْيَأْتِكُمْ بِرِزْقٍ مِنْهُ وَلْيَتَلَطَّفْ وَلَا يُشْعِرَنَّ بِكُمْ أَحَدًا}. [4]

[5]

1 .12

2 (1997) .179

3 .3

4 .19

5 (1994) .40

3. [illegible]: {وَإِنَّ كَثِيرًا مِنَ الْخُلَطَاءِ لَيَبْغِي بَعْضُهُمْ عَلَى بَعْضٍ}[1]. [illegible][2] [illegible]

[illegible]

[illegible][3].

4. [illegible]

[illegible]

[illegible][4].

[illegible]

[illegible]

[illegible][5].

[illegible]

[illegible]

---

1 [illegible] .24

2 [illegible] .3ص

3 [illegible] .478ص [illegible] .263ص

4 [illegible] 420/ [illegible] 299 [illegible] .256ص [illegible] .185ص

5 [illegible] .316ص [illegible] (386) [illegible] .3ص

[illegible] - [illegible]
[illegible]
.[1] [illegible]

7. [illegible]
.[2] [illegible]

[illegible] 2.1.2

[illegible] [3] [illegible]
[illegible] [4] [illegible]
[illegible]
.[illegible]

---

1 [illegible]
[illegible]
http://www.taimiah.org/Display.asp?ID=111&t=book64&pid=2&f=bc9050900006.htm

2 [illegible] .3[illegible] [illegible] .(297) [illegible] .171[illegible] [illegible] (402) [illegible] .495[illegible] [illegible] .58[illegible] [illegible] .3[illegible]

3 [illegible] .496[illegible] [illegible] .56[illegible] [illegible] .151[illegible] [illegible] .153[illegible] [illegible]

4 [illegible] 271 [illegible] .469[illegible] [illegible] .201[illegible] [illegible] .34[illegible] [illegible]

1 .299

2 .151

3 .493

4 1986 .301 (1999)

5 1060 – 1062 .121

417 - 1297

1329

(1990) .15

.22

1 .181

2 .389-388

3 .154

4 (2002)

.100

5 .19

6 .496

[illegible]

1 [illegible] .321

2 [illegible] (1996) [illegible] 230

3 [illegible] .479

4 [illegible] .400

5 [illegible] .4

6 [illegible] .152

7 [illegible] .186 [illegible] .154 [illegible] (1994) [illegible] .321

8 [illegible] (2000). [illegible] .161 [illegible] .400 [illegible] .161

(619)

1)

2

(1){وَآخَرُونَ يَضْرِبُونَ فِي الأَرْضِ} .

(2){وَإِذَا ضَرَبْتُمْ فِي الأَرْضِ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَقْصُرُوا مِنَ الصَّلَاةِ}

(3)

(4)

(5)

1 .20

2 .101

3 .589 .139-138 .359 .544 - 543

4 (217/7) (19/19).

5 .645

[illegible] (1) [illegible]

[illegible]

[illegible]

[illegible].

[illegible]:

[illegible] {هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعاً} (2). [illegible] {وَسَخَّرَ لَكُمْ مَا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ جَمِيعاً مِنْهُ} (3). [illegible] {أُحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعاً لَكُمْ وَلِلسَّيَّارَةِ} (4).

[illegible]

[illegible]

[illegible].

[illegible]

[illegible] (5).

---

1 [illegible] http://moamlat.al-islam.com/display.asp?f=Page54392&id=11388&t=tree&r=1

2 [illegible] .29

3 [illegible] .13

4 [illegible] .96

5 [illegible] .3479 [illegible] (289 [illegible] 409) [illegible] (665 [illegible] 413 [illegible] 293 [illegible] .365 [illegible] .411 [illegible].

[illegible] 234 [illegible]
[illegible].(1)

[illegible] 234 [illegible]
[illegible].(2)

2 [illegible]:

2.2 [illegible]:

[illegible]:

[illegible](3):

1 - [illegible].

2 - [illegible].

3 - [illegible].

4 - [illegible].

5 - [illegible].

6 - [illegible].

7 - [illegible].

8 - [illegible].

---

1 [illegible] 234 [illegible] 249 - 250.

2 [illegible] 144.

3 [illegible] 184 - 185. [illegible] 858 - 860. [illegible] 177. [illegible] 2 [illegible] 1229.

9 -

10 -

11 -

12 -

13 -

14 -

(1)

1 .23

2.2.2

(1) http://www.taimiah.org/Display.asp?ID=4&t=book91&pid=2&f=12fqh-00002.htm

[illegible]

[illegible]

[illegible]:

1. [illegible].

2. [illegible].

[illegible]

[illegible].

3. [illegible]

[illegible]

[illegible].[1]

4. [illegible]

"[illegible]

[illegible]".[2]

[illegible]

[illegible] {يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ الرِّبَا إِنْ كُنْتُمْ مُؤْمِنِينَ ◊ فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اللَّهِ وَرَسُولِهِ وَإِنْ تُبْتُمْ فَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ}[3]. [illegible]

[illegible].

5. [illegible].

---

1 [illegible] 3249 [illegible] 400/10/9 [illegible].

2 [illegible] (1996) [illegible]

[illegible]

[illegible] 293.

3 [illegible] 278 [illegible] 279.

6.

{وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلاَّ مَا اضْطُرِرْتُمْ إِلَيْهِ}[1]

7.

[2]

(1) .119

(2)

http://www.badlah.com/page-1006.html

[illegible] (1) [illegible]

8. [illegible]

[illegible] (2)

9. [illegible]

10. [illegible]

[illegible]

1 [illegible] (1994) [illegible] 309.

2 [illegible] 27.

[illegible] [1]

[illegible] [2]

[illegible]

[illegible] [3]

[illegible] [4] [illegible]

[illegible] [5]

1 [illegible] 19 - 23 / 10 / 1424 [illegible] 13 - 17 / 12 / 2003 [illegible]:
http://www.islamonline.net/servlet/Satellite?cid=1122528623080&pagename=IslamOnline-Arabic-Ask_Scholar%2FFatwaA%2FFatwaAAskTheScholar

2 [illegible] 220 [illegible] 178 - 181. [illegible] 278 - 280.

3 [illegible] 223.

4 [illegible] 223.

5 [illegible] 180.

1-3

[illegible] [1]

[illegible] 1333 [illegible]

[illegible] [2]

[illegible] [3]

2-3 [illegible]:

[illegible] [4] [illegible] [5]

1 [illegible] 78 [illegible] 168.

2 [illegible]: http://www.qatarshares.com/vb/showthread.php?t=49569

3 [illegible] 155.

4 [illegible] 59.

5 [illegible] 78 [illegible] 169.

3-3

[illegible]

1 [illegible] .424

2 [illegible] .403 [illegible] .16 [illegible]
[illegible] .302 [illegible] .384 [illegible]
[illegible] .169 [illegible] .78

3 [illegible] .86-85

[illegible] [1] [illegible]
[illegible] 622 [illegible]
[illegible] [2]

3 -4 [illegible]:

[illegible]
[illegible] [3]

[illegible]
[illegible] [4]

3 -5 [illegible]:

[illegible]
[illegible] [5]

---

1 [illegible] 156.
2 [illegible]
3 [illegible] 16.
4 [illegible] 311. [illegible] 187.
5 [illegible] 485. [illegible] 350-352.
[illegible] 378-379.

[illegible] [1] [illegible] [2].

[illegible] [3] [illegible]

[illegible] [4].

[illegible]

[illegible]:

1 - [illegible]:

[illegible] [5].

[illegible] [6].

[illegible]:

[illegible] [7].

[illegible] [8].

---

1 [illegible] .306

2 [illegible] .170 [illegible] .175

3 [illegible] .306

4 [illegible] .63

5 [illegible] .261 [illegible] 60 [illegible]

6 [illegible] .173

7 [illegible] .61 [illegible] .156

8 [illegible] .61

1 ... 108

2 ... (1551) ... 1186

3 ... 159 -160

4 ... 20

[illegible]

(1) [illegible] .10

(2) [illegible] (1985) [illegible] .132

(3) [illegible] 478 [illegible] 249/3 [illegible] 358/3 [illegible] (184/6

(4) [illegible] (1400) [illegible] .499

(5) [illegible] .38

{وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [2].

1 478-479 .24

2 .78

3 .85 .319

4 .319

5 .230

1

2 480/29

3 .159

4 .210

1 .170-169

2 (2000) .240-238

3 .154-152 .231 85 19

4 .320 /29

.(1)

.(2)

:(5)(4)

1 .232 .924

2 .924

3 .117 .62

4 .80-78

5

[illegible]:

- [illegible].[1]
- [illegible].[2]
- [illegible].[3]
- [illegible].[4]

[illegible].[5]

[illegible]:

[illegible].[6]

[illegible]:

[illegible] (485) [illegible] 23/8/1422

1 [illegible] 249. [illegible] 192.

2 [illegible] 78.

3 [illegible] 366.

4 [illegible] 258.

5 [illegible] 235-238.

6 [illegible] (424) [illegible]:
saaid.net/book/2/445.doc

[illegible] .(1)

[illegible] .(2)

[illegible] .(3)

[illegible] .(4)

[illegible]

1 [illegible] .155

2 [illegible] .92-91

3 [illegible] .91

4 [illegible] .72

[illegible] [1]

[illegible]

[illegible] [2]

[illegible] [3]

[illegible] [4]

[illegible] [5]

[illegible]

[illegible]

---

1 [illegible]

2 [illegible] 17

3 [illegible] .156

4 [illegible] .156

5 [illegible] 4

[illegible] (1).

[illegible]

[illegible] (2) [illegible] (3) [illegible] (4) [illegible] (5) [illegible] (6) [illegible] (7) [illegible] (8) [illegible] (9) [illegible] (10) [illegible] (11) [illegible] (12) [illegible] (13).

---

1 [illegible] 113-114.
2 [illegible] 299.
3 [illegible] 135.
4 [illegible] 13/407-408، 14/353-354.
5 [illegible] 505-506.
6 [illegible] 695.
7 [illegible] ١٦.
8 [illegible] 13/407-408. 14/353-354.
9 [illegible] 195-196.
10 [illegible] 127.
11 [illegible] 163.
12 [illegible] 37.
13 [illegible] 104.

[illegible]

[illegible]

[illegible] {يا أيها الذين آمنوا لا تأكلوا الربا أضعافا مضاعفة واتقوا الله لعلكم تفلحون}[1]. [illegible] {يا أيها الذين آمنوا اتقوا الله وذروا ما بقي من الربا إن كنتم مؤمنين ◊ فإن لم تفعلوا فأذنوا بحرب من الله ورسوله وإن تبتم فلكم رؤوس أموالكم لا تظلمون ولا تظلمون}[2]. [illegible] {الذين يأكلون الربا لا يقومون إلا كما يقوم الذي يتخبطه الشيطان من المس ذلك بأنهم قالوا إنما البيع مثل الربا وأحل الله البيع وحرم الربا فمن جاءه موعظة من ربه فانتهى فله ما سلف وأمره إلى الله ومن عاد فأولئك أصحاب النار هم فيها خالدون ◊ يمحق الله الربا ويربي الصدقات والله لا يحب كل كفار أثيم}[3]. [illegible] {وأخذهم الربا وقد نهوا عنه وأكلهم أموال الناس بالباطل وأعتدنا للكافرين منهم عذابا أليما}[4].

[illegible][5].

[illegible]

[illegible][6].

[illegible]

---

1 [illegible] 130.

2 [illegible] 278-279.

3 [illegible] 275 - 276.

4 [illegible] 161.

5 [illegible] 598 [illegible] 1219.

6 [illegible] 929.

1 [illegible] .142

2 [illegible] .29

3 [illegible] .29

[illegible] [1].

[illegible] [2] [illegible] [3].

[illegible] {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى وَلا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ} [4].

[illegible]:

[illegible] [5] [illegible] [6].

[illegible] [7]:

---

1 [illegible] 930.

2 http://www.binbaz.org.sa/mat/17211

3 [illegible] 182.

4 [illegible] 2.

5 [illegible].

6 [illegible] (418 - 498) [illegible] 58-59.

7 [illegible] 932.

1 .46

2 .46 – 932

.933

[illegible]

1. [illegible] [1] [2]

2. [illegible]

3. [illegible] [3]

[illegible]

[illegible]

1 [illegible] .225ص

2 [illegible] (2000) [illegible] .603ص

3 [illegible] .124ص

.34ص ... 32 ... 1

.203ص ... 2

... 3

.361ص ... 288

.143ص ... 4

... 5

... 1298/2/9 - ... 1418/10/12

http://www.iiabank.com.jo/home/tabid/36/Default.aspx

./http://www.arabbank.com/ar

1 .144

2

.http://www.islamtoday.net/bohooth/artshow-86-13435.htm

4.3

1. .163

2. .67

[illegible] 1.3.4

[illegible]

1 [illegible] .34

2 [illegible] .15

3 [illegible] (297) [illegible]
[illegible] .27

4 [illegible] .15

[illegible] [1] [illegible]
[illegible] [2].

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] [3].

[illegible]
[illegible] [4].

[illegible]
[illegible]
[illegible] [5].

[illegible]
[illegible]
[illegible] [6].

[illegible]
[illegible]
[illegible]

---

[1] [illegible]: 13/503 -505. [illegible]: 3/243.

[2] [illegible] 161.

[3] [illegible] 346.

[4] [illegible] 27.

[5] [illegible] 40 -61.

[6] [illegible] 96.

2.3.4 [illegible]

[illegible]

[illegible]

[illegible] :

[illegible] .[1]

[illegible] .[2]

1 [illegible] .61 [illegible] .160

2 [illegible] .345 [illegible] .64-63 [illegible] .407

[illegible]

[illegible] .[1]

[illegible] .1

[illegible]

[illegible] .[2]

[illegible]

[illegible] .[3]

[illegible]

[illegible] .[4]

---

1 [illegible] .3[illegible]

2 [illegible] .180[illegible]

3 [illegible] 109\3 [illegible] .407[illegible]

[illegible] .109[illegible]

4 [illegible] .2240

1.

2.

3.

8.

9.

10.

11.

[illegible] (1998) [illegible]
[illegible] (1992) [illegible] .2[illegible]
[illegible] (1999) [illegible] .[illegible]8[illegible]
.1[illegible] [illegible] (1991-[illegible]441) [illegible]
[illegible] (1985-[illegible]405) [illegible] .1[illegible]
.(2000) [illegible]
[illegible] (1993) [illegible]
[illegible] (2003 - [illegible]423) [illegible]
[illegible] (1993 - [illegible]413) [illegible] .7[illegible]
[illegible] (1997) [illegible]
[illegible] (1985) [illegible]

http://www.badlah.com/page-1006.html

http://www.qatarshares.com/vb/showthread.php?t=49569

[illegible] .(2003 /[illegible]423) [illegible]
[illegible]

[illegible] (1999/[illegible]420) [illegible]
[illegible]

[illegible] (427[illegible]) [illegible]
[illegible]

[illegible] (2000) [illegible]
[illegible]

[illegible] (.[illegible]) [illegible]
[illegible]

[illegible] (.[illegible]) [illegible]
[illegible]

[illegible] (1994) [illegible]
[illegible]

[illegible] (1400[illegible]) [illegible]
[illegible]

[illegible] (1929) [illegible]
[illegible]

[illegible] 1992- [illegible]1412 [illegible]
[illegible]

(2003 - 1424)

.260

http://www.taimiah.org/Display.asp?ID=4&t=book91&pid=2&f=12fqh-.00002.htm

(1278- 1398)

(1426)

1271

(1996)

.348

1295

(1996)

.293

http://www.taimiah.org/Display.asp?ID=111&t=book64&pid=2&f=bc9050900006.htm

(2000)

1998 - 1419

(1997)

.21-20

www.kantakji.com/fiqh/Files/Markets/invest-actions.doc

1406

(1402)

(1994)

.http://www.iiabank.com.jo/home/tabid/36/Default.aspx

.155

(1987)

(400)

(295)

(299 - 420)

(424)

saaid.net/book/2/445.doc

.http://www.islamtoday.net/bohooth/artshow-86-13435.htm:

290 - 410

http://www.bab.com/articles/full_article.cfm?id=3143

http://moamlat.al-islam.com/display.asp?f=Page54392&id=11388&t=tree&r=1

(286)

.1062 – 1060

[illegible] (1997) [illegible]
[illegible]
[illegible]

[illegible] (2003) [illegible]
[illegible]
[illegible]

[illegible] 1418) [illegible] 1998) [illegible]
[illegible]

[illegible] 2008) [illegible]
[illegible]
[illegible]
[illegible] 2 [illegible]

[illegible] (1990) [illegible]
[illegible]

[illegible] (1969) [illegible]

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]
1	[illegible]	9	[illegible]
1	[illegible]	28	[illegible]
1	[illegible]	56	[illegible]
1	[illegible]	30	[illegible]
10، 8	[illegible]	12	[illegible]
8	[illegible]	24	[illegible]
8	[illegible]	32	[illegible]
8	[illegible]	41	[illegible]
10	[illegible]	19	[illegible]
11	[illegible]	24	[illegible]
25	[illegible]	29	[illegible]
25	[illegible]	13	[illegible]
25	[illegible]	96	[illegible]
66 ،31	[illegible]	280-278	[illegible]
31	[illegible]	119	[illegible]
53	[illegible]	78	[illegible]
65	[illegible]	279-287	[illegible]
65	[illegible]	130	[illegible]
66	[illegible]	276-275	[illegible]

	[illegible]		
66	[illegible]	161	[illegible]
68	[illegible]	2	[illegible]

(ƒ) 5epDŽ

hăƿƫ |ĘhŭNǵƂŽKĭgƥŬƐS ƥNǥ

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]
11	[illegible]	1
12	[illegible]	2
12	[illegible]	3
25	[illegible]	4
47	[illegible]	5
49	[illegible]	6
52	[illegible]	
57	[illegible]	7
81	[illegible]	8
47	[illegible]	9
47	[illegible]	10
48	[illegible]	11
81	[illegible]	12
66	[illegible]	13
70	[illegible]	14
71	[illegible]	15
75Ă72	[illegible]	16